

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3617 OF 2004

Mr.Bhimsha Gundasha Mankya & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.Rathod with Mr.O.A.Siddiqui for Applicants.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 14, 2005.

P.C.

1. Heard Counsel for the parties.

2. Having regard to the nature of offence as spelt out from the First Information Report (F.I.R.), I see no reason to depart from the conclusion reached by the Sessions Court in rejecting the Bail Application of the present Applicants. As a matter of fact, Applicant No.4 had already filed similar Application in this Court

being Criminal Application No.5612 of 2004, which has been rejected by me on 20th December 2004 for the reasons stated therein. It is only when the Counsel for the Applicants was confronted with that position, it was submitted that in that case, Application on behalf of Applicant No.4 will not be pressed. Even if this request was to be acceded to, insofar as the other Applicants are concerned, their role is similar to the role played by Applicant NO.4, whose bail application has already been rejected by this Court.

3. To get over this position, Counsel for the Applicant submits that even if the Applicants had caught hold of the deceased during the scuffle, that cannot make them liable for the offence committed by accused No.1. To buttress this submission, reliance was placed on the decision of our High Court reported in **1999 (3) LJ 332 (NOC)** and another decision of the Apex Court in **2001(3) Crimes 456 (SC) in the case of Amrit Singh & Anr. vs. State of H.P.**

4. In my opinion, however, the fact situation

in both these cases were entirely different than the one which is involved in the present case. The F.I.R. spells out that the Applicants continued to hold the deceased and accused No.1 suggested to these Applicants that the deceased should be thrown from the fifth floor. Having regard to the involvement of the Applicants in the entire episode as has happened, not a case for bail. Rejected.

5. The Trial Court is, however, directed to expedite the trial, as it is stated that the trial is already referred to Fast Track Court.

6. Application disposed of on the above terms.

A.M.KHANWILKAR, J.